

REMARKS

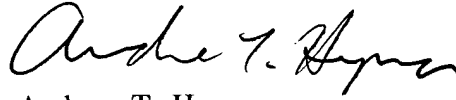
The above amendment is in response to an Advisory Action mailed 9 Feb. 2005, and following phone conversations with the Examiner on 22 and 23 Feb. 2005. Applicants appreciate those two phone conversations, and note that the Examiner indicated in the latter conversation that the present amendments will overcome the rejections.

The rejections of claims 1 and 12 both rely upon *Feldis* (U.S. Application No. 2003/0007078). Please observe that *Feldis* states at paragraph 35 that, "The red-eye removal tag instructs computer 200 to automatically edit the image to remove the red-eye effects..." In contrast, the present application states at page 8, lines 4-12 that the tag 23 signifies that a picture is not protected against editing, which "would therefore permit a user to edit the picture..." This gives a user a choice to edit or not edit, which is very different from *Feldis*.

Feldis discloses a tag which instructs a computer to automatically edit a picture, whereas the present invention's tag does not instruct a computer (or a user) to do anything, but instead simply allows a user to edit the picture if the user so chooses. Applicant respectfully believes that these features of the present invention are now indicated in suggested amended claims 1 and Applicant would like to respectfully emphasize that this is a critical feature of the present claimed invention. As described in the abstract of the present application, the idea is for the tag to indicate whether or not the picture is editable. This is very different from instructing that the picture must be edited, as *Feldis* does.

The objections and rejection of the official action of November 18, 2004 and the Advisory Action of February 9, 2005, having been obviated by amendment or shown to be inapplicable, withdrawal thereof and passage of claims 1-16 to issue is earnestly solicited.

Respectfully submitted,



Andrew T. Hyman
Attorney for the Applicant
Registration No. 45,858

February 25, 2005
ATH/mbh
WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, PO Box 224
Monroe CT 06468
(203) 261-1234